

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**CHRIS WALTERS,**

**Plaintiff,**

**v.**

**No. CV 09-0811 BB/LAM**

**KEN LEWIS, CEO BANK OF AMERICA,**

**Defendant.**

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS  
AND RECOMMENDED DISPOSITION**

**THIS MATTER** is before the Court on Magistrate Judge Lourdes A. Martínez' *Proposed Findings and Recommended Disposition* (Doc. 11), filed on October 15, 2009. No party has filed objections to the proposed findings and recommended disposition and the deadline for filing objections has passed.<sup>1</sup> The Court has determined that it will adopt the *Proposed Findings and Recommended Disposition* (Doc. 11), deny Plaintiff's *Motion to Proceed in Forma Pauperis With Financial Affidavit Pursuant to 28 U.S.C. § 1915* (Doc. 2) because his *Complaint* (Doc. 1) is frivolous, grant Defendant's *Motion to Dismiss* (Doc. 5), deny Plaintiff's *Motion to Strike; Motion for Summary Judgement; & Declaratory Judgement Against 3rd Party* (Doc. 9) and Plaintiff's *Motion to Amend Complaint* (Doc. 10), and dismiss this case with prejudice.

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<sup>1</sup>The Court notes that on October 13, 2009, Plaintiff filed a document which appears to be a letter to a United States Congressman. See Document 12. The Court does not construe this document as objections because it was filed before the *Proposed Findings and Recommended Disposition* was entered and does not contain objections to the Magistrate Judge's findings or recommendations.

**IT IS THEREFORE ORDERED** that:

1. The *Proposed Findings and Recommended Disposition* (Doc. 11) are **ADOPTED** by the Court.
2. Plaintiff's *Motion to Proceed in Forma Pauperis With Financial Affidavit Pursuant to 28 U.S.C. § 1915* (Doc. 2) is **DENIED** because his *Complaint* (Doc. 1) is frivolous;
3. Defendant's *Motion to Dismiss* (Doc. 5) is **GRANTED**;
4. Plaintiff's *Motion to Strike; Motion for Summary Judgement; & Declaratory Judgement Against 3rd Party* (Doc. 9) is **DENIED**;
5. Plaintiff's *Motion to Amend Complaint* (Doc. 10) is **DENIED**; and
6. This case be **DISMISSED WITH PREJUDICE** and that a final judgment be entered concurrently with this order.

**IT IS SO ORDERED.**



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**HONORABLE BRUCE D. BLACK**  
**UNITED STATES DISTRICT JUDGE**